

**ENTERED**

May 11, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF	§	CRIMINAL ACTION NO.
AMERICA	§	4:22-CR-00483
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
HARLEY D. WILKES (1),	§	
JERMAIRE COLWELL	§	
(2), and JOSE MIGUEL	§	
RIVERA-DIAZ (3)	§	
Defendants.	§	

**ORDER ON CONTINUANCE**

Pending are separate unopposed motions by Defendants Jose Miguel Rivera-Diaz and Harley D. Wilkes for continuance. Dkts 42 & 44. Defendant Jermaire Colwell filed a notice joining in the motions for continuance. Dkt 45.

Counsel for Defendants represent that more time is needed to review discovery and prepare for trial. Counsel also represents that a failure to grant a continuance will result in a miscarriage of justice.

Defendant Harley D. Wilkes filed a consent to the entry of an excludable delay order on 12/05/2022. Dkt 29.

Defendant Jermaire Colwell filed a consent to the entry of an excludable delay order on 12/05/2022. Dkt 28.

Defendant Jose Miguel Rivera-Diaz filed a consent to the entry of an excludable delay order on 02/23/2023. Dkt 43.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court FINDS that:

- The ends of justice are best served by granting a continuance; and
- A continuance outweighs the best interest of the public and the Defendant in a speedy trial;

Pursuant to 18 U.S.C. § 3161(h)(7)(B), the Court also FINDS that failure to grant a continuance would:

- Likely result in a miscarriage of justice; and
- Deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The Court GRANTS the motion for continuance.

It is ORDERED that a period of excludable delay commences on April 17, 2023 as to Defendant Jose Miguel Rivera-Diaz. The period of excludable delay will end at commencement of trial or disposition of charges.

The following schedule will control disposition of this case:

1. **07/30/2023**                      **MOTIONS DEADLINE**  
Except for motions to suppress evidence or to dismiss, include certification that the movant and the respondent have conferred in good faith and could not agree on proper disposition of the motion.
2. **08/14/2023**                      **PRETRIAL MATERIALS**  
File and deliver pretrial materials to the Court as directed in the Court's procedures.
3. **08/18/2023**                      **PRETRIAL CONFERENCE**  
**at 9:30 a.m.**                      Appear in Courtroom 9F before Judge Charles Eskridge. *Defendant must be present in person. Parties are required to disclose expert witness information 45-days prior to pretrial conference.*
4. **08/22/2023**                      **JURY SELECTION AND TRIAL**  
**at 9:30 a.m.**

SO ORDERED.

Signed on May 10, 2023, at Houston, Texas.

A handwritten signature in black ink, reading "Ch R Eskridge" with a stylized flourish at the end.

Hon. Charles Eskridge  
United States District Judge